

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVELL C. HOLMES,  
Plaintiff,

v.

DAVID BAUGHMAN, et al.,  
Defendants.

No. 2:20-cv-1496 DB P

ORDER

Plaintiff is a state prisoner proceeding with a civil rights action under 42 U.S.C. § 1983. In an order filed August 2, 2021, this court found plaintiff stated claims against defendants Baughman, O'Brian, Felder, Riley, and Soltanian-Zadeh and ordered service of the first amended complaint ("FAC") on all defendants. On September 10, 2021, the California Department of Corrections and Rehabilitation ("CDCR") notified the court that defendants Baughman, O'Brian, Felder, and Soltanian-Zadeh intended to waive service of the FAC. However, CDCR explained that defendant Riley was no longer employed by CDCR so CDCR did not select waiver of service for Riley. On October 11, defendants Baughman, O'Brian, and Felder's waiver of service was filed by Deputy Attorney General Tracy Henderson.<sup>1</sup> After an extension of time, Baughman, O'Brian, and Felder's response to the FAC is due December 19, 2021.

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<sup>1</sup> Deputy Attorney General Shiran Zohar now represents these three defendants. (See ECF No. 29.)

On November 24, the United States Marshal served defendant Riley. (See ECF No. 32.) No counsel has appeared for defendant Riley. Defendant Riley will be ordered to file a response to the FAC.

On October 11, DAG Henderson specially appeared to request that defendant Soltanian-Zadeh be provided an extension of time to file a waiver of service. Henderson explained that the Office of the Attorney General was seeking outside counsel for Soltanian-Zadeh. This court granted that request. (ECF No. 28.) Soltanian-Zadeh's waiver was due on November 26, 2021.

The date for defendant Soltanian-Zadeh to file a waiver of service has passed. No counsel has appeared for this defendant.

For these reasons, IT IS HEREBY ORDERED as follows:

1. Within thirty days of the filed date of this order, defendant Riley shall file an answer or other responsive pleading to the FAC.
2. Within ten days of the filed date of this order, DAG Shiran Zohar shall inform the court about the status of defendant Soltanian-Zadeh's representation.

Dated: December 3, 2021

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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DB Prisoner Inbox/Civil Rights/R/Holm1496.anws and waiver